

**From:** Mark J. Miller  
**To:** Microsoft ATR  
**Date:** 1/23/02 2:04pm  
**Subject:** Microsoft Settlement

Hello,

I am currently a 4th-year student in Electrical Engineering / Computer Science at the University of California, Berkeley. I am writing to comment on the Proposed Final Judgement in the Microsoft Antitrust case. In reading over the PFJ and commentary regarding it, I have come across many loopholes and frailties in the proposed settlement.

Chief among my concerns is the complete and total disregard for publishing file formats. I use KDE (<http://www.kde.org>) on top of a FreeBSD kernel (<http://www.freebsd.org>), and I have found it nearly impossible to interact with any sort of Windows documents. These proprietary formats have changed greatly over the years and across Windows versions, and without sufficient documentation, other applications have no way to interact with the files.

Add to this the near-complete monopoly Microsoft has in the business world, and people like me who choose not to use Microsoft products are punished severely. As I mentioned, I'm a 4th-year student, about to graduate and trying to find a job. I have been appalled at how many potential employers demand Word documents for resumes. I have also been consistently irritated by receiving Microsoft documents via email without an effective way to read them. All of this makes the cost of switching to competing products a very painful process for anybody contemplating a change.

Secondly, the PFJ does nothing to prevent Microsoft from introducing unnecessary incompatibilities to gain an edge on other products. I use Samba, a Windows-compliance package that allows my computer to transfer files to and from Windows machines on my network, but it does not work with all versions because of Microsoft's insistence on changing the protocol with each new version of Windows. Samba is perpetually playing a game of blind catch-up, because the changes occur without notification or documentation. This behavior encourages others in my situation to migrate from my preferred platform because of monopolistic reasons, and should be a target of the settlement.

Third, Microsoft licensing provisions make it very difficult for software vendors to write software that runs on platforms other than MS Windows. This produces a chicken & egg problem that discourages consumers from trying other products because of a lack of usable commercial software.

Please consider these comments carefully. Microsoft is widely considered

to have a hold on more than 90% of the desktop market. Microsoft has proven itself unwilling to obey the spirit of the court's ruling before-- I can recall several incidents off the top of my head, such as their rigged demo of Windows without IE, their flagrant theft and broken reimplementations of disk compression back in the days of DOS... this settlement has to be airtight. Remember that Microsoft has attained its current position by illegal means, and the results have meant poorer quality software for consumers.

Thank you for reading this.

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